

1 Chad McKinney  
2 Pro Se  
3 6266 Madeline St Apt #61  
4 San Diego, CA 92115  
5 619-634-3566

6 **THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA**

7 CHAD MCKINNEY, an individual,

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9  
10 Plaintiff,

11 v.

12 APOLLO GROUP INC., UNIVERSITY OF  
13 PHOENIX, a Corporation, MECHELLE  
14 BONILLA, an Enrollment Manager at  
15 UNIVERSITY OF PHOENIX, KYAN  
16 FLYNN, Director of Enrollment at  
17 UNIVERSITY OF PHOENIX, APRIL  
18 ALCORN, an Employee Relations  
19 Consultant at UNIVERSITY OF PHOENIX  
20 CARLYN LINDSTEN, Associate Director of  
21 Enrollment at UNIVERSITY OF PHOENIX

22 Defendants  
23  
24

) CIV. Case No.07-cv-2373 · WQH  
)  
) FOR VIOLATION OF FEDERAL  
) FALSE CLAIMS ACT AND FOR  
) VIOLATION OF THE  
) THE CIVIL RIGHTS ACT 1964 AND  
) THE AMENDMENTS TO TITLE  
) VII OF THE CIVIL RIGHTS ACT OF  
) 1991

) RETALIATION- WRONGFUL  
) TERMINATION &  
) EMPLOYMENT DISCRIMINATION  
) CIVIL ACTION

) **Plaintiff's Motion for Clerk's**  
) **Entry of Default**

) Demand for Trial By Jury Pursuant  
) to U.S. Constitution, 7<sup>th</sup> Amendment

) March 12, 2008  
)  
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**PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT**

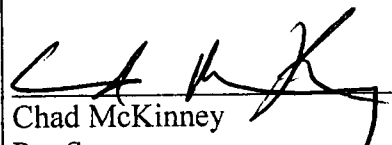
Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant Mechelle Bonilla, in the amount of \$5,000 since the Defendant has failed to plead or otherwise defend herself against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19<sup>th</sup> 2007 and entered December 20<sup>th</sup>. The defendant was served on February 4, 2008. (Please see copy of Return of Service).

In support of this motion, the Plaintiff states with supporting evidence:

1. This complaint was filed on December 19, 2007
2. This complaint was properly served on February 4, 2008
3. As of the 12<sup>th</sup> of March 2008, the Defendant is late 37 days.
4. The plaintiff's complaint requests punitive damages of \$5,000, so a default judgment in this amount should be deemed reasonable.
5. Said defendant is not an infant or incompetent, but an individual who was given ample time to respond within the timeframe required by the Federal Rules of Civil Procedure. No extra time was requested by the defendant nor granted by the Court.

1 WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default  
2 against the Defendant in the amount of \$5,000 to reasonably cover the damages incurred by  
3 the plaintiff.

4  
5 Respectfully submitted,

6   
7 Chad McKinney  
8 Pro Se  
9 6266 Madeline St Apt #61  
10 San Diego, CA 92115  
11 619-634-3566  
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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY XVH DEPUTY

Chad McKinney  
Pro Se  
6266 Madeline St Apt #61  
San Diego, CA 92115  
619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

CHAD MCKINNEY, an individual,

Plaintiff,

v.

APOLLO GROUP INC., UNIVERSITY OF  
PHOENIX, a Corporation, MECHELLE  
BONILLA, an Enrollment Manager at  
UNIVERSITY OF PHOENIX, KYAN  
FLYNN, Director of Enrollment at  
UNIVERSITY OF PHOENIX, APRIL  
ALCORN, an Employee Relations  
Consultant at UNIVERSITY OF PHOENIX  
CARLYN LINDSTEN, Associate Director of  
Enrollment at UNIVERSITY OF PHOENIX

Defendants

) CIV. Case No.07-cv-2373 WQH  
)  
) FOR VIOLATION OF FEDERAL  
) FALSE CLAIMS ACT AND FOR  
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) THE CIVIL RIGHTS ACT 1964 AND  
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) 1991

) RETALIATION- WRONGFUL  
) TERMINATION &  
) EMPLOYMENT DISCRIMINATION  
) CIVIL ACTION

) Memorandum of Points and  
) Authorities in Support of Plaintiff's  
) Motion for Clerk's Entry of Default

) Demand for Trial By Jury Pursuant  
) to U.S. Constitution, 7<sup>th</sup> Amendment

) March 12, 2008  
)  
)

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT PLAINTIFF'S  
MOTION FOR CLERK'S ENTRY OF DEFAULT**

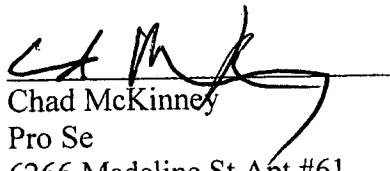
Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant Mechele Bonilla in the amount of \$5,000 since the Defendant has failed to plead or otherwise defend herself against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19<sup>th</sup> 2007 and entered December 20<sup>th</sup>. The defendant was served on February 4, 2008. (Please see Copy of Return of Service).

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- No extra time was requested by the defendant nor granted by the Court.

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3 the plaintiff.

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5 Respectfully submitted,

6  
7   
8 Chad McKinney  
9 Pro Se  
6266 Madeline St Apt #61  
San Diego, CA 92115  
619-634-3566

## **CERTIFICATE OF SERVICE**

I, Chad McKinney, hereby certify that on, March 12, 2008, I served copies of the motion for Clerks entry of default on the following parties by way of United States Postal Service First Class Mail:

University of Phoenix  
Attention of: Mechelle Bonilla  
1230 Columbia Street  
San Diego, CA 92101

1 Chad McKinney  
2 Pro Se  
3 6266 Madeline St Apt #61  
4 San Diego, CA 92115  
5 619-634-3566

6 **THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA**

7 **March 12, 2008**

8 **BY HAND DELIVERY**


9 The Honorable Judge William Q. Hayes  
10 Referred to: Magistrate Judge Cathy Ann Bencivengo  
11 330 West Broadway, San Diego  
12 CA 92101-3827

13 Re: McKinney v. Apollo Group Inc., *et al*  
14 Civil Action 07-cv-2373

15 Dear Judge Hayes,

16 Enclosed is a courtesy copy of the Plaintiff's Motion for Clerk's Entry of Default Judgment and  
17 appendices that was hand delivered with the Clerk today.

18 Respectfully,

19   
20 Chad McKinney, Pro Se

21 Cc: Apollo Group, Inc.  
22  
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